

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/planning

Yves Bradley, Chair
Bruce Baker, Vice-Chair
Andrew Saba
Lee Buffinton
Harris Roen
Andy Montroll
Jennifer Wallace-Brodeur
Vacant, Youth Member



Burlington Planning Commission Minutes

Tuesday, June 11, 2013 - 6:30 pm

PC Present: Y. Bradley, B. Baker, A. Montroll, H. Roen, J. Wallace-Brodeur, L. Buffinton, A. Saba
Absent: S. Thibault (at North Avenue Corridor meeting)
Staff: D. White, E Tillotson

I. Agenda

No changes.

II. Public Forum

The Chair acknowledges and welcomes Emily Lee, new Planning Commissioner, who is observing. He spent time with her yesterday exchanging information. Introductions were made to Commission members.

III. Report of the Chair, Yves Bradley

The Chair provided the following report:

- This is A. Saba's next to last meeting.
- The Chair acknowledges that S. Thibault, Comprehensive Planner, won Planner of the Year from the Vermont Planners Association. And planBTV won Plan of the Year as well.

IV. Report of the Director, David E White

The Director provided the following report:

- The two awards mentioned by the Chair will automatically be nominated for the Northern New England Chapter of the American Planning Association's annual awards.
- PlanBTV was adopted unanimously last night, June 10th, with all City Councilors as sponsors of the resolution. Copies of the Plan will go to the printer within a couple of weeks following which there will be a public event to announce the finalized plan and distribute copies.

Y. Bradley: Suggested perhaps a table at the Farmers Market.

S. Thibault: Noted there are normally a lot of people at the Farmers Market that are not Burlingtonians. It would be best to reserve copies of the plans for Burlingtonians.

- The City Council also approved for warning two zoning amendments: vestigial alleys, and garage proportion facing the street last night.
- The City Council Ordinance committee meets Thursday and they have three amendments which they will be addressing: two relating to setbacks and one for community centers.

As approved by the Burlington Planning Commission on July 9, 2013.

- The Police Department and Public Works Commission are working on updating the on-street residential parking program. There is still some language to be resolved about the number of permits to be issued to any given property, the whole issue raises questions.
J. Wallace-Brodeur: Suggested inviting them to a Commission meeting to discuss how this proposal works with other ordinance changes under consideration. D. White will follow-up.
- This week is the kickoff of the Parks Master Planning process and the Director would encourage participation of any Planning Commission members in the process which will be in some ways similar to the planBTV process.
- The city was awarded EPA area-wide brownfields grant for \$200000 and will cover the Railyard Area. It dovetails nicely with other projects in that area of city.
- S. Thibault has been in Portland, Oregon at the Eco-District Incubator discussing coordination of planning of all departments in the City.

V. Public Hearing: ZA-13-12 Historic Building Materials

R. Wannamaker, 462 South Willard Street is here to speak. He is not exactly familiar with the proposed ordinance language. Preservation Burlington was invited to the discussion via a letter. Their members are concerned. They feel the existing ordinance has plenty of flexibility in relation to sustainability, use of local materials, labor. Their fear in the proposed change is that it might actually encourage demolition by neglect. One additional concern about language regarding the "average person's" opinion coming to boards. If they aren't experts, they can come to boards with a lack of experience with certain materials. The Secretary of the Interior's Standards are guidelines that encourage continued maintenance of a historic district or neighborhoods. It holds true that the Design Advisory Board and Development Review Board do a pretty good job of taking all things into consideration and giving guidance and education to the public. The fear is that we keep dumbing down the quality and integrity of our buildings without education.

H. Roen: The crux of the problem is which structures are being considered, the definition of such.

D. White: The proposed language doesn't change the definition of historic.

H. Roen: We have to go with standards that are not so strict which involves eligible properties.

R. Wanamaker: I agree, but believe that there is a lot of flexibility in the ordinance and the Secretary of the Interior standards. No vagaries in a lot of the housing stock eligibility gives flexibility.

A. Montroll: He has met with Preservation Burlington and discussed several ordinances. He thinks this is the right balance; it separates out historic materials from historic features and maintains Burlington's character. Materials I think are secondary; in the long view over 50 or 100 years materials may change but features will retain the character. The buildings have to look like they were before repair.

E. Lee: Who judges what is visually compatible? She is shocked to see vinyl windows in a beautiful Italianate dwelling. Where is the line?

A. Montroll: One of the examples is the color of paint; some materials are almost the same thing.

R. Wanamaker: My windows are 145 years old and will be there for the next 100 years.

J. Wallace-Brodeur: Has spent a lot of time trying to define visual compatibility, but probably it will always be subjective. Also the definition of appropriate replacement materials was difficult, the policy has to be interpreted by the Design Advisory Board and the Development Review Board, and there are a lot of materials out there. The Planning Commission certainly doesn't want non-durable materials used as replacements.

L. Buffinton: My understanding is that vinyl siding doesn't look like wood, vinyl windows also do not, but other options would work and could be more energy efficient. Materials do evolve. The Planning Commission tried to be flexible.

As approved by the Burlington Planning Commission on July 9, 2013.

Andrew Saba: Wishes to echo A Montroll. He feels there is a good balance which is fair and that features are the most important. Do we need to address building materials re: quality?

A. Montroll: Item 6 states that materials will be durable.

D. White: What is durability and how do we measure it?

B. Baker: A good example is E Lee's reference to windows with storms, and replacement windows. Windows could be different in the interior but with storms, could still look the same outside. The next owner might choose to replace with better quality.

Y. Bradley: In my opinion the job of the Department and staff is to communicate with the Commission. The Planning Commission needs to be an advocate for department. We have been working this aspect for three years. We have heard that people want greater flexibility. Features are never irreplaceable, but he does agree that old windows with brass fixtures are irreplaceable. Some homeowners will invest in appropriate repairs. The Ordinance tries to maintain balance.

L. Buffinton: Vinyl clad doesn't look like wood windows.

Y. Bradley: If there is a product that is vinyl clad of good quality, it should be acceptable.

R. Wanamaker: Our ordinance allows for that already, there are not many changes.

A. Montroll: The old ordinance represented a high hurdle to replace previously; it is now clear what you can do.

B. Baker: Has had a garage with squirrel damage, chewing through garage. Sometimes there is a need for a material that is durable.

R. Wanamaker: Cement board is a durable product.

D. White: It is important to ask for a demonstration that the material has failed. The durability standard should apply, and there is nothing as durable as preexisting slate. It is necessary to know that the existing materials can't be repaired.

Y. Bradley: So what trumps? Durability or appearance?

D. White: If the slate has reached the end of its life, slate, standing seam and some other products would be appropriate replacements.

L. Buffinton: This change would encourage flexibility. Item 8 addresses new additions, exterior alterations only changed the material piece. The differentiation requirement from old to new construction is changed. The primary building should be the focus. This rewrite is opening the door again to allow for historically appropriate additions.

A. Montroll: It is the same as the original policy; there has to be a changing ordinance. The Planning Commission has accomplished what we set out to do.

E. Lee: One comment, by not following the Secretary of Interior standards does this effect eligibility for tax credits, ADA accessibility, and elevators.

D. White: No - if you are taking advantage of the tax incentives, you must maintain the Secretary of Interior Standards.

On a motion by A. Montroll, seconded by A Saba, the Commission unanimously approved ZA-13-12 and forwarded to the City Council for adoption.

VI. Proposed Amendment, ZA-13-03

E. Lee: A question about the area of parking, can't read it clearly. The map in the amendment is different from the map in the ordinance.

D. White: The downtown zone is the least restrictive, residential low density is the most restrictive. The requirements are not isolated from land uses. The proposed change to shared use parking

As approved by the Burlington Planning Commission on July 9, 2013.

requirements will create a system, ie: for a typical home, as bedrooms increase, the parking requirements will increase and vice versa. For larger than four bedrooms, one parking space for each bedroom over five would be required. Ultimately this action will create an incentive for less auto need.

A. Montroll: The draft has changed downtown already.

D. White: The downtown amendment is before the City Council now.

A. Montroll: Shared use, have we seen that the requirements would work?

D. White: They will work if units are created and the developer wants to market differently. It will allow for more flexibility.

A. Montroll: Using the chart, what happens with half of a parking requirement? What happens with a half space?

D. White: The requirement will be to round up.

A. Montroll: Will the requirements work?

D. White: We don't have experience yet. The desire to market small units successfully allows this. There are no actual studies here.

L. Buffinton: Under parking district, strike the third parking district, take out c on first page.

D. White: That portion is actually correct as written with rest of ordinance.

J. Wallace-Brodeur: Is generally in support of the change and feels it is worth trying in order to incentivize small units. Regulation of parking permits by Public Works is a really important part of the planning. There is a need to explore the number of permits issued. She suggests that they should work with D. White.

Y. Bradley: Suggests that they add language to indicate it is a piece of larger process occurring. There is a real need to understand the parts of the process before action occurs.

D. White: It would seem opportune to involve police and public works at the same time that they are proposing?

L. Buffinton: What is the process?

D. White: It goes through the City Council.

Y. Bradley: Tim O'Brien is the owner of fair amount of units in City and reports that the desirability of the larger units has dropped off. The UVM model of housing is influencing the off campus housing.

D. White: There are many zoning applications seeking off-site parking. For the owners of the property which would be leasing, the permit requires maintenance of existing number of parking spaces, so that option is not viable unless there are uncommitted spaces even though some may be not used or needed at a given time.

Y. Bradley: For example, a property on Battery Street is required to have one year lease, Perkins Pier being the most appropriate space. There are no long-term parking leases available from the City, only month to month.

L. Buffinton: This is something that the Planning Commission can address.

Y. Bradley: The present regulatory requirements make parking challenging.

On a motion by J. Wallace-Brodeur, seconded by L. Buffinton, the Commission unanimously warned a public hearing for the proposed residential parking standards.

VII. Form-Based Code Discussion

D. White, lead the discussion with a power point presentation. He describes the form based code, as it applies to Burlington, as not as proscriptive as in some locations.

Y. Bradley: If FBC (form based code) had been used for the permitting of the new ICV Battery Street building. The surrounding buildings influenced the massing of the new building, much as FBC will do in the future by proscribing a higher level of detail to building proportions.

D. White: The FBC will consist of eight elements:

1. regulating plan (zoning map)
2. private frontage standards
3. building form standards
4. building type standards
5. public space standards
6. architectural standards
7. landscape standards
8. signage standards

The Burlington City zones will be different and specific to our City and contain nuances not included in other City's code.

L Buffinton: Has observed that the first floor of some new commercial buildings are likely to feel skimpy in height, almost basement like, as opposed to the traditional taller first floor for commercial spaces, lobbies, etc. Need to look at this.

D White: That is correct, the most important floor is the first floor.

J Wallace-Brodeur: Is the type of building tied in with the use of the building?

D White: Yes in many cases. A building with a shopfront clearly has a retail-type use and a townhouse is nearly always residential.

H Roen: A question would be for example the alleyways between the Hilton and adjacent buildings, can this be examined in form based code?

D White: Yes. Our beginning texts etc for FBC came from the Yarmouth ME code and after synoptic survey by the consultants with measurements, the FBC was refined to conform to Burlington's needs keeping in mind that only the Downtown and Waterfront areas will be affected by this code.

J Wallace-Brodeur: We need to consider how to educate the City Council about this new portion of the ordinance.

Y Bradley: Some community members are reluctant to be involved in the process and thereby lose their opportunity to have resolution.

A Montroll: So the next step is to bring this to the City Council.

VIII. Committee Reports

None

As approved by the Burlington Planning Commission on July 9, 2013.

IX. Commissioner Items

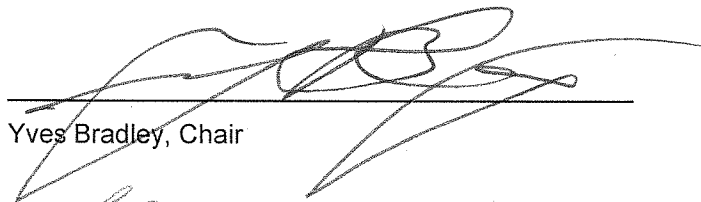
None

X. Minutes, Communications

On a motion by A. Montroll, seconded by B. Baker, the Commission unanimously approved the April 23 and May 14, 2013 minutes, as amended.

XI. Adjourn

On a motion by H. Roen, seconded by L. Buffinton, the Commission unanimously adjourned the meeting at 8:50 pm.



Yves Bradley, Chair

_____ 9.10.13
Date



E Tillotson, recording secretary